

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MONTY W. ERVIN and)

PATRICIA D. ERVIN,)

Petitioners,)

v.)

1:06-MC-3331-MEF-DRB

UNITED STATES OF AMERICA,)
and COMMISSIONER OF INTERNAL)
REVENUE SERVICE,)

Respondents.)

ORDER

Upon review of the United States' *Motion to Dismiss*, filed September 15, 2006 (Doc. 6), it is **ORDERED** that Petitioner respond by October 4, 2006, to show any cause why this *Motion* should not be granted.

The pro se petitioners are advised that if they fail to file any response, the court will proceed to decide the merits of United States' contention that "the petitioners have failed to properly serve process upon the respondent, thus depriving this Court of personal jurisdiction over the respondent."

Done this 18th day of September, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE